

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TONY WU,

Plaintiff,

-against-

METRO-NORTH COMMUTER RAILROAD  
COMPANY d/b/a MTA METRO-NORTH  
RAILROAD and JIM HAW, in his individual  
and official capacities,

Defendants.

**14-CV-07015(LTS)(FM)**

**DECLARATION OF MELANIE J. LAZARUS, ESQ. IN SUPPORT  
OF PLAINTIFF'S OPPOSITION TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

I, Melanie J. Lazarus, an attorney admitted to practice in the Southern District of New York declare, declare under the penalty of perjury that the foregoing is true and correct based upon my knowledge, information, and belief:

1. I am an associate at Borrelli & Associates, P.L.L.C. and am counsel for Plaintiff Tony Wu ("Wu").

2. A true and correct copy of Plaintiff's performance reviews from Defendant Metro-North Commuter Railroad Company d/b/a/ MTA Metro-North Railroad ("Metro-North") for the years 2001 through 2012, and bearing bates-stamp numbers Metro-North000026 through Metro-North0000128, is attached hereto as Exhibit A.

3. A true and correct copy of the Declaration of Plaintiff Tony Wu is attached hereto as Exhibit B.

4. A true and correct copy of documents related to the near termination of Plaintiff in 2010, and bearing bates-stamp numbers Metro-North 004546, and Metro-North 004624 – 004631, is attached hereto as Exhibit C.

5. A true and correct copy of relevant pages of Jim Haw's April 29, 2015 deposition is attached hereto as Exhibit D.

6. A true and correct copy of relevant pages of Defendant Jim Haw's June 3, 2015 morning deposition testimony is attached hereto as Exhibit E.

7. A true and correct copy of relevant pages of Defendant Jim Haw's June 3, 2015 afternoon deposition testimony is attached hereto as Exhibit F.

8. A true and correct copy of Plaintiff's resume, bearing bates-stamp numbers Wu000069 - 000072, is attached hereto as Exhibit G.

9. A true and correct copy of a June 11, 2014 through June 26, 2014 email chain between Plaintiff and Stubbs is attached hereto as Exhibit H.

10. A true and correct copy of relevant pages of Plaintiff's deposition testimony are attached hereto as Exhibit I.

11. A true and correct copy of the Declaration of Jack Sim is attached hereto as Exhibit J.

12. A true and correct copy of the Declaration of Bradley Liu is attached hereto as Exhibit K.

13. A true and correct copy of the Declaration of Shaoming Chang is attached hereto as Exhibit L.

14. A true and correct copy of the Declaration of Pamela Sokolosky is attached hereto as Exhibit M.

15. A true and correct copy of the March 28, 2013 emails in which James Haw declined Plaintiff's Oracle RMAN training is attached hereto as Exhibit N.

16. A true and correct copy of an October 17, 2014 email between Plaintiff and technical support is attached hereto as Exhibit O.

17. A true and correct copy of the official memo regarding Plaintiff's TCU position appointment, and bearing bates-stamp numbers Metro-North 003395 - 003396, is attached hereto as Exhibit P.

18. A true and correct copy of Plaintiff's October 28, 2013 letter to the Office of Diversity and Equal Opportunity requesting a schedule change, and bearing bates stamp number Metro-North 004287, is attached hereto as Exhibit Q.

19. A true and correct copy of Plaintiff's December 20, 2013 memo to Gary Martens regarding Metro-North's response to his request for reasonable accommodation, and bearing bates-stamp numbers Wu000044 - 000045, is attached hereto as Exhibit R.

20. A true and correct copy of notes made by Gary Martens, HR Manager, regarding Plaintiff's request for a reasonable accommodation is attached hereto as Exhibit S. These notes bear bates-stamp numbers Metro-North 004248 – 004249.

21. A true and correct copy of relevant pages of Dr. Yuanxia Zhang's deposition testimony is attached hereto as Exhibit T.

22. A true and correct copy of medical records pertaining to Plaintiff's sleep apnea and severe coronary artery disease, and bearing bates-stamp numbers Metro-North 000271 – 000280 is attached hereto as Exhibit U.

23. A true and correct copy of Metro-North's request for Plaintiff's medical records and requests for medical fitness exams for Plaintiff, and bearing bates-stamp numbers Metro-North 000281 – 000293 is attached hereto as Exhibit V.

24. A true and correct copy of the May 30, 2014 and June 2, 2014 emails between Plaintiff and an Attachmate software representative is attached hereto as Exhibit W.

25. A true and correct copy of emails regarding Plaintiff's May 14, 2014 overtime is attached hereto as Exhibit X.

26. A true and correct copy of correspondence related to Plaintiff's June 2013 complaint to Metro-North's Office of Diversity and EEO, and bearing bates-stamp numbers Metro-North 002662 – 002663, and Metro-North 003195 - 003196, is attached hereto as Exhibit Y.

Dated: January 4, 2016  
Great Neck, New York

s/Melanie J. Lazarus  
Melanie J. Lazarus, Esq.